



The Town of Leesburg
INTEROFFICE MEMORANDUM

To: John Wells, Town Manager

From: James P. ("Irish") Grandfield, AICP, Senior Planner DPZ

Date: August 12, 2013

Town Council Information Item: Loudoun Water Commission Permit

On July 18, 2013 the Planning Commission held a Public Hearing on Commission Permit application TLCP-2013-0001, Loudoun Water. The Commission Permit grants conceptual approval of an underground raw water (non-potable) line in a 20-foot wide easement on either side of Menlow Drive adjacent to River Creek Parkway in the River Pointe subdivision (see attachment 1). At the conclusion of the public hearing, The Planning Commission approved the application based on the following findings:

- The proposed raw water line is to be located entirely below grade.
- There will be no visual impact from its installation.
- The transmission of raw water represents no potential health or safety hazard to citizens.
- The Town Plan is silent on the matter of underground utilities on land with the Low Residential Density land use designation.
- All Town reviewers support approval of the application.

The raw water line is part of a proposed system that includes a raw water intake on the Potomac River near the River Creek Subdivision, underground piping to carry the non-potable water to storage facilities in non-active quarries in Loudoun County adjacent to Goose Creek at the W&OD Trail, and a new treatment plant on Goose Creek near the Dulles Greenway. No Loudoun Water service is proposed within Leesburg or the Town's Joint Land Management Area (JMLA). The raw water pipeline is located almost entirely within the County except for a section of approximately 950 linear feet that will be located just inside of the Town's easternmost corporate limits along River Creek Parkway at the River Point subdivision (formerly known as "PMW Farms").

Note that the Planning Commission approved a commission permit on September 16, 2010 (TLCP-2010-0001) to permit the raw waterline. This application amends that previous approval.

A Commission Permit is a finding of conformance with the Town Plan for extension of a public utility. As described in the State Code 15.2-2232:

no street or connection to an existing street; park; public area; public building; public structure, public utility facility or public service corporation shall be constructed, established or authorized until the general location or approximate location, character and extent of such project has been approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.

As required by TLZO 3.12.7 the purpose of this memo to Town Council is to convey the Planning Commission's findings to the Town Council with written reasons for the Commission's decision to approve the proposed project. **If Town Council agrees with the Planning Commission's decision, no action is necessary.**

However, per TLZO 3.12.8, Town Council may overrule the decision of the Planning Commission by a majority vote of its entire membership. In acting to overrule the Planning Commission's decision, the Town Council must consider the proposed application as a new matter (de novo) and shall have 60 days to render a decision. This would require a separate public hearing by Council. Should Council wish to exercise its option to overrule the Planning Commission decision on TLCP-2013-0001, staff would need Council direction now in order to proceed with required public hearing advertising laws.

Attachment 1. Plan View

